

United States Bankruptcy Court
Southern District of Georgia

The Heritage Bank,
Plaintiff

Adv. Proc. No. 13-05008-JSD

SEGA Biofuels, LLC,
Defendant

CERTIFICATE OF NOTICE

District/off: 113J-5

User: cking
Form ID: pdf004

Page 1 of 2
Total Noticed: 8

Date Rcvd: Nov 20, 2013

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 22, 2013.

intp Bill Brunstad, Chief Executive Officer
intp +CT Corporation System, Registered Agent, 1201 Peachtree St, NE, Suite 1240,
Atlanta, GA 30361-3514
intp Ken Ciarletta, Chief Operations Officer
intp Melissa Deal, Chief Operations Officer
intp Phil Resch, Chief Financial Officer
intp Stephen L. Parker, Chief Credit Officer
intp +Zach Steele, 15333 Hwy 82, Nahunta, GA 31553-3735

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
ust +E-mail/Text: ustpreregion21.sv.ecf@usdoj.gov Nov 20 2013 19:14:08 Office of the U. S. Trustee,
Johnson Square Business Center, 2 East Bryan Street, Ste 725, Savannah, GA 31401-2638
TOTAL: 1

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

intp Atlantic Wood Pellets Athens, LLC
intp Ben Easterlin
intp Biofuels Holdings, LLC, 99% Owner of SEGA Biofuels, LLC
intp Brian L. Smith, President & Chief Executive Officer
intp Curtis J. Tumlin, II, Regional Vice President
intp Douglas Albercht
intp Enova Constructors, LLC
intp Enova Energy Group, LLC, 89.5% Owner of Enova Processing, LLC
intp Enova Operations
intp Enova Processing, LLC, 15% Owner of The Enova Group, LLC
intp Equivalence Investors, LLC, 85% Owner of The Enova Group, LLC
intp Gabriel Obrador
intp Gustavo Garrido
intp Jason Bethala
intp Jim Ballard
intp John Ford
intp Keith Hulbert
intp Mark Newhart
intp Robert Foxen
dft SEGA Biofuels, LLC
intp Sherrie Struble, Assistant Vice President, Collections
intp Small Business Administration
intp Sobiosl, LLC, 1% Owner of SEGA Biofuels, LLC
intp The Enova Group, LLC, 100% Owner of Biofuels Holdings, LLC
pla The Heritage Bank
intp United States Department of Agriculture, Rural Dev
intp Zach Steele, Management/Single Investor, 10.5% Owner of Enova Processing, LLC
intp Zach Steele, President

TOTALS: 28, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 22, 2013

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 20, 2013 at the address(es) listed below:

C. James McCallar, Jr. on behalf of Defendant SEGA Biofuels, LLC mccallar@mccallarlawfirm.com,
tiffany.caron@mccallarlawfirm.com;mccallarlawfirm@aol.com;jmccallar@mccallarlawfirm.com
Daniel Christian Jenkins on behalf of Plaintiff The Heritage Bank Daniel@kmtrial.com
Office of the U. S. Trustee, 11 Ustpreregion21.sv.ecf@usdoj.gov

District/off: 113J-5

User: cking
Form ID: pdf004

Page 2 of 2
Total Noticed: 8

Date Rcvd: Nov 20, 2013

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Tiffany Elizabeth Caron on behalf of Defendant SEGA Biofuels, LLC
tiffany.caron@mccallarlawfirm.com,
mccallar@mccallarlawfirm.com;mccallarlawfirm@aol.com;tiffany.caron@live.com

TOTAL: 4

FILED
Lucinda B. Rauback, Clerk
United States Bankruptcy Court
Brunswick, Georgia
By cking at 3:11 pm, Nov 20, 2013

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE

SOUTHERN DISTRICT OF GEORGIA
Waycross Division

IN RE: SEGA BIOFUELS LLC)	CHAPTER 11 CASE
)	NUMBER <u>13-50694</u>
Debtor)	
)	
<u>THE HERITAGE BANK</u>)	
)	
Plaintiff)	
)	
vs.)	ADVERSARY PROCEEDING
)	NUMBER <u>13-05008</u>
)	
SEGA BIOFUELS LLC)	
)	
Defendant)	

ORDER DENYING REQUEST FOR
ENTRY OF TEMPORARY RESTRAINING ORDER

The Heritage Bank, a secured creditor in the underlying chapter 11 case, seeks a temporary restraining order (TRO) against Debtor SEGA Biofuels LLC, "enjoining Defendant [SEGA] from further destruction and conversion of Heritage Banks' tangible collateral and cash collateral." (ECF No. 1 at 8.) The request for a TRO is denied because Heritage failed to comply with the requirements for issuance of a TRO under Rule 65 of the Federal Rules of Civil Procedure.¹

The court may issue a TRO without notice to the adverse party or its attorney only if:

¹ Rule 65 of the Federal Rules of Civil Procedure is made applicable in adversary proceedings by Rule 7065 of the Federal Rules of Bankruptcy Procedure.

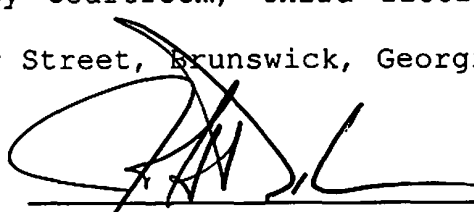
(A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and

(B) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.

Fed. R. Civ. P. 65(b)(1)(A)-(B). Here, Heritage failed to comply with subsection (b)(1)(B), not having certified any efforts to give notice to SEGA and any reason why notice should not be required.

The request for a TRO is therefore **ORDERED DENIED** and

FURTHER ORDERED that a hearing on the request for a preliminary injunction will be held on Tuesday, December 3, 2013, at 2:00 p.m., in the Bankruptcy Courtroom, third floor of the Federal Building, 801 Gloucester Street, Brunswick, Georgia.



JOHN S. DALIS
United States Bankruptcy Judge

Dated at Brunswick, Georgia,
this 20th day of November, 2013.